THE HONUORABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.9797 OF 1995

DATED: 05-09-2006

BETWEEN

J. Pitchaiah, S/o. Jagannayakulu,
Occ: Service, H.No.1-3-183/A/10,
New Bakaram, Hyderabad.

...PETITIONER

AND

The Chairman-cum-Managing Director,
New India Assurance Company Limited,
87, M.G. Road, Bombay and others.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the proceedings of the first respondent in proceedings No.PERSONNEL/SRW/95 dated 28.04.1995 as void and to accord promotion to him from the date on which he became eligible in accordance with the promotional policy of the company and grant consequential benefits on such promotion.

It is the case of the petitioner that he ought to have been promoted in 1986 itself as per the promotional policy of the General Insurance Corporation of India and the promotions are liable to be made purely on seniority basis.

The respondents filed a counter stating that the promotions are not based purely on seniority but also on several factors like Insurance qualifications, personal traits etc which have to be taken into account by the

Departmental Promotion Committee. According to the promotion committee the promotions are not according to seniority but it is selection based.

If the promotions are automatic as per the seniority in accordance with any rule the case of the petitioner can be considered but as per the promotion committee the promotions are selection based, therefore, I am unable to accept the contention of the petitioner that he is entitled to promotion as per seniority without taking into consideration other factors. Merely because no adverse remarks were communicated to the petitioner it cannot be said that he is entitled to automatic promotion as per seniority. As the post being a promotion post, which has to be selected by the departmental promotion committee, any eligible person i.e. even a person junior to the petitioner may also get the promotion on the basis of the evaluation by the promotion committee. In the absence of any malafides attributed to the respondent insurance company, I am of the opinion that the petitioner is not entitled to automatic promotion as per seniority.

The writ petition is devoid of merits and it is accordingly dismissed. No costs.

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V. ESWARAIAH, J

September 5, 2006
DSK